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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,702	06/25/2003	Stephen R. Spencer	2996-5221.1US	3421
24247	7590	09/28/2005	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			HWANG, VICTOR KENNY	
			ART UNIT	PAPER NUMBER
			3764	
DATE MAILED: 09/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,702

Applicant(s)

SPENCER ET AL.

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 2 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 2 and 19(18) are objected to because of the following informalities:

in claim 2, lines 4 and 5, the recitation "elastic" presumably should be changed to --
panel--, in order to provide proper antecedent basis; and

in claim numbered 19, "19" presumably should be changed to --18--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5-10, 12, 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Rich* (US Pat. 5,788,606). *Rich* discloses an exercising device comprising a low impact cushioned, resilient surface 12; a fixed structure 16 adjacent the low impact cushioned, resilient surface; resistive elements 66 having a first end coupled to the fixed structure; and a harness 20 coupled to second ends of the resistive elements. The resilient surface comprises a frame 14; a panel surface 12 disposed within the frame; and a connection structure interposed between the elastic panel surface and the frame which interconnects the frame to the elastic panel

surface (col. 3, lines 9-21). The panel surface is fabricated from a material having elastic characteristics. The frame 14 and resilient surface 12 are interconnected by braces 64 to the fixed structure 16. The resistive elements are elastic members ("bunji" cords). The resistive elements are coupled to the fixed structure at a location which is elevationally above the resilient surface, spaced from one another over a width of the fixed structure with each resistive member connected to the fixed structure at a respective location at substantially the same elevation.

4. Claims 1, 7, 9-18 are rejected under 35 U.S.C. 102(e) as being anticipated by *Rempe* (US Pat. 6,554,747 B1). *Rempe* discloses an exercising device comprising a fixed structure 20 for being positioned adjacent a trampoline (col. 3, line 61 to col. 4, line 2); a plurality of resistive elements 50 having a first ends coupled to the fixed structure; and a harness 40 coupled to second ends of the resistive elements. The resistive elements are elastic members.

The resistive elements are coupled to the fixed structure at locations elevationally above the resilient surface of the trampoline. The fixed structure is fitted with a plurality of connection elements 38 adapted to secure the resistive elements to the fixed structure. A first plurality of connection elements are disposed spacedly from one another over a width of the fixed structure to provide a variety of connection locations along the width of the fixed structure and a second plurality of connection elements are disposed spacedly from one another over a height of the fixed structure to provide a variety of connection locations along the height of the fixed structure.

Resistive elements or members are connected to the fixed structure at respective connection locations. At least two resistive members 166 may share a common connection

location. Plural resistive elements/members may be connected to the fixed structure at respective different elevational heights or at substantially the same elevation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rempe* (US Pat. 6,554,747 B1) in view of *Schulze, Jr.* (US Pat. 4,452,444). *Rempe* has been discussed above, and such discussion is incorporated herein. *Rempe* discloses the invention as claimed except for the resilient surface comprising a frame, a panel surface disposed within the frame, and a connection structure interposed between the panel surface and the frame which interconnects the frame to the panel surface (claim 2); the connection structure comprising at least one elastic member (claim 3); the elastic member is connected to the frame on a first end thereof and is further connected to the panel surface on a second end thereof (claim 4); and the panel surface fabricated from a material having elastic characteristics (claim 5).

Schulze, Jr. discloses a trampoline comprising a resilient surface; the surface comprising a panel 12 disposed within a frame 20 and interconnected thereto by a plurality of elastic members 60. The panel is made of polypropylene material, material having elastic characteristics. *Schulze, Jr.* discloses a typical trampoline used for exercise.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the exercise device of *Rempe* with the trampoline of *Schulze, Jr.*, since *Rempe* discloses that the fixed structure is used in combination with a trampoline and *Schulze, Jr.* discloses a typical trampoline for exercise.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee, et al. (US Pat. 4,548,405), *Bryne* (US pat. 5,176,597), *Clark* (US Pat. 5,234,392), *Bare, II* (US Pat. 5,577,984), *Checketts* (US Pat. 5,593,368), *Login* (US Pat. 5,853,352), *Annesi et al.* (US Pat. Pub. 2002/0111250 A1), *Phelps-McMillon* (US Pat. 6,575,876 B1), *Wroclawsky* (US Pat. 6,652,427 B2) and *Combes* (FR 2,831,065 A1) discloses exercise devices having structure that read upon the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976.

The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM

Eastern time.

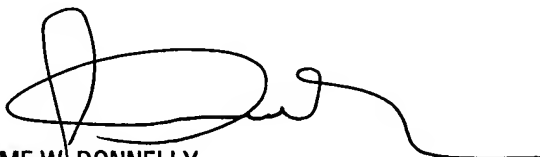
The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
September 24, 2005



JEROME W. DONNELLY
PRIMARY EXAMINER